

**IDAHO BOARD OF CHIROPRACTIC PHYSICIANS**  
**Bureau of Occupational Licenses**  
700 West State Street, P.O. Box 83720  
Boise, ID 83720-0063

**Board Meeting Minutes of 10/28/2016**

**BOARD MEMBERS PRESENT:** Mary Jo White, DC - Chair  
Kathleen J McKay, DC  
Herbert W Oliver, DC  
Charles H Coiner  
John Downey, DC

**BUREAU STAFF:** Tana Cory, Bureau Chief  
Lori Peel, Investigative Unit Manager  
Maurie Ellsworth, General Counsel  
Mitchell Toryanski, Legal Counsel

**OTHERS PRESENT:** Ryan Fitzgerald, Idaho Association of  
Chiropractic Physicians

The meeting was called to order at 11:00 AM MDT by Mary Jo White, DC.

Mr. Coiner made a motion to accept the agenda as amended to include the consent order since it was received late on 10/27/2016. It was seconded by Dr. McKay. Motion carried.

**NEW BUSINESS**

**CE COURSES**

The Board reviewed and approved the continuing education courses.

The Board discussed the length of time for CE course approvals. Dr. McKay made a motion to set the date for approved CE courses to remain on the approval list for a limited time of one year. It was second by Dr. Oliver. Motion carried.

**OPEN MEETING LAW**

Mr. Toryanski presented information to the Board regarding Idaho's open meeting law.

## **APPROVAL OF MINUTES**

Dr. White requested that her full name be included in the minutes. Mr. Coiner made a motion to approve the minutes of 7/15/2016 with the correction. It was seconded by Dr. McKay. Motion carried.

## **LEGISLATIVE REPORT**

Ms. Cory gave the legislative report. She said that the proposed rules were published in the October 5, 2016 bulletin. The proposed laws and rules were posted on the Board's website after receiving approval of the proposed laws from the Governor's Office.

## **FINANCIAL REPORT**

Ms. Cory gave the financial report, which indicated that the Board had a cash balance of (\$65,661.75) as of 9/30/2016.

## **DISCIPLINE**

Ms. Uranga presented a memorandum regarding case numbers CHI-2014-17, and CHI-2016-6. After discussion, the Board gave recommendations for appropriate discipline.

Ms. Uranga presented a Stipulation and Consent Order in case CHI-2016-3. Dr. Oliver made a motion to approve the Consent Order and authorize the Board Chair to sign on behalf of the Board. It was seconded by Dr. Downey. Motion carried.

## **INVESTIGATIVE REPORT**

Ms. Peel gave the investigative report, which is linked above.

## **FOR BOARD DETERMINATION**

Dr. Oliver made a motion to approve the Bureau's recommendation and authorize closure in cases I-CHI-2016-4 and I-CHI-2016-11. It was seconded by Dr. Downey. Motion carried.

## **RESPONSES TO BOARD'S WARNING LETTER ABOUT ADVERTISING INJECTIONS**

Ms. Peel gave the Board an update regarding the letters sent out to chiropractors regarding advertising of injections. She said there were fourteen (14) letters sent out to those Chiropractors who were advertising injections on existing websites, and everyone notified has removed the language that was not in compliance with the laws and rules regarding advertisements.

## **RELEASE FROM PROBATION: CHI-2015-4**

Dr. McKay made a motion to release Dr. Jones from probation. It was seconded by Dr. Oliver. Motion carried.

## **NEW BUSINESS**

### **DISCUSSION ON ENDORSEMENT REQUIREMENTS**

The Board reviewed the laws and rules regarding licensure by endorsement and the requirement of the Special Purposes Exam for Chiropractic (SPEC). Ms. Cory suggested that the Board discuss the requirement of the SPEC for endorsement licensure with other states at the 2017 Federation of Chiropractic Licensing Boards (FCLB) annual meeting. The Board tabled the topic and agreed to put it on the to do list to research the standards and purposes of the SPEC for endorsement.

### **PROPOSED LAWS AND RULES / NOTIFICATION TO LICENSEES**

The Board discussed the language in the notification recently sent to licensees. Mr. Coiner made a motion to ratify the notification previously approved by the Chair and mailed to licensees regarding the proposed laws and rules. It was seconded by Dr. Oliver. Motion carried.

### **FEDERATION OF CHIROPRACTIC LICENSING BOARDS (FCLB) DISTRICT MEETING UPDATE**

Dr. White and Dr. Oliver presented information to the Board regarding the round table discussions at the 2016 FCLB District I Meeting.

## **CORRESPONDENCE**

### **EMAIL FROM DR. COREY MATTHEWS**

The Board discussed the email and information sent by Dr. Matthews. Dr. Downey made a motion to have the Bureau draft a letter to Dr. Matthews which states that this Board does not regulate the practice of nursing, suggest he contact the Idaho Board of Nursing and talk with his legal counsel, and authorize the Chair to sign the letter. It was seconded by Mr. Coiner. Motion carried.

### **EMAIL FROM PROFESSIONAL ONLINE EDUCATION (POE)**

The Board reviewed the email from POE regarding continuing education courses. The Board agreed to have the Bureau check with the Office of Administration and IT on the issue of linking to the Board's website, and to let POE know that the Board does not list independent CE course providers on its website.

## **OLD BUSINESS**

To Do List – The Board reviewed the to do list and no action was taken.

## **CE APPROVALS AND LONG DISTANCE LEARNING**

The Board reviewed its CE course application and agreed to more thoroughly review all CE courses the Board receives in the future.

## **SPEC EXAM REVIEW**

The Board included a review of this under “Telehealth.”

## **NATIONAL BOARD OF CHIROPRACTIC EXAMINERS (NBCE) RESOURCES**

The Board discussed the availability of resources on the NBCE website.

## **TELEHEALTH**

The Board reviewed the telehealth information sent by the Wisconsin Board of Chiropractors as a participant in the FCLB District I Meeting. Ms. Cory suggested that the Board review both the existing Idaho Telehealth Access Act and the telehealth rules proposed by the Idaho Board of Psychologists. The Board discussed the subject of standard of care and the necessity of proper documentation within that standard as it relates to the Board’s laws and rules. Dr. White asked the Bureau to contact the FCLB and ask them to conduct a poll regarding standards of care and proper documentation of patient care in other states’ laws and rules.

## **PEER REVIEW**

The Board was provided with a copy of the peer review law, rules and the Idaho Chiropractic Peer Review Manual.

## **REVIEW EXISTING CE APPROVALS**

The Board discussed the motion made under “CE Courses” regarding the end date for CE courses. The Board asked the Bureau to draft a letter to providers of CE courses initially received and approved starting in 2014 to have the provider re-apply, and bring the proposed letter to the next meeting for discussion.

**NEXT MEETING** was scheduled for January 6, 2017 at 1:00 PM MST.

## ADJOURNMENT

Mr. Coiner made a motion to adjourn the meeting at 3:12 PM MDT. It was seconded by Dr. McKay. Motion carried.

---

Mary Jo White, DC, Chair

---

Kathleen J McKay, DC

---

Herbert W Oliver, DC

---

Charles H Coiner

---

John Downey, DC

---

Tana Cory, Bureau Chief